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10 UNITED STATES DISTRICT COURT
11
12 DISTRICT OF NEVADA

13 RLP-VERVAINE COURT, LLC, a Nevada
14 series limited liability company of the
15 container RED LIZARD PRODUCTIONS,
16 LLC under NRS § 86.296,

17 Plaintiff,
18 v.

19 DHI MORTGAGE COMPANY, LTD., a
Texas limited partnership; WELLS FARGO
20 BANK, N.A., a national association; FORT
APACHE SQUARE HOMEOWNERS
ASSOCIATION, a Nevada domestic non-
profit corporation; MTC FINANCIAL INC., a
California corporation; REPUBLIC SILVER
STATE DISPOSAL, INC., a Nevada
corporation; JOSEPH A. NEWELL, an
individual; DOES I through X; and ROE
CORPORATIONS I through X, inclusive,

21
22 Defendants.

CASE NO. 2:13-cv-01517-GMN-CWH

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28 **STIPULATION AND ORDER TO
EXTEND TIME FOR DISPOSITIVE
MOTION BRIEFING
(FIRST REQUEST)**

Wells Fargo Bank, N.A. (“Wells Fargo”) and RLP-Vervain Court, LLC (“RLP-Vervain”),
through their counsel of record, hereby stipulate and request an order from the Court to extend the
dispositive motion briefing schedule as described herein.

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1 On November 13, 2017 Wells Fargo filed its Motion for Summary Judgment. Currently
2 opposition to Wells Fargo's motion is due no later than December 4, 2017, and reply in further
3 support of the motion is due no later than December 18, 2017.

4 On November 22, 2017, RLP-Vervain filed its Motion for Summary Judgment. Currently
5 opposition to RPL-Vervain's motion is due on December 13, 2017, and reply in further support of
6 the motion is due no later than December 27, 2017.

7 The Ninth Circuit recently issued its decision regarding the application of 12 U.S.C. §
8 4617(j)(3) to Nevada HOA foreclosures and the preemption of NRS 116 for loans owned by the
9 Federal National Mortgage Association and Federal Home Loan Mortgage Corporation ("Freddie
10 Mac"). *Berezovsky v. Moniz*, 869 F.3d 923 (9th Cir. 2017). The effect of a Nevada HOA
11 foreclosure sale is at issue in this litigation. Moreover, it is Wells Fargo's position that the
12 mortgage loan for the property at issue is owned by Freddie Mac. Although the parties disagree as
13 to the dispositive effect of the *Berezovsky* decision on this action, they agree that the issues the
14 decision presents are complex and warrant a modest extension of time in order for them to be
15 fully briefed. Furthermore, the parties agree that coordinating the time for Wells Fargo's and
16 RLP-Vervain's opposition and reply papers would result in a more efficient disposition of this
17 action.

18 No prior application has been made for the relief requested herein.

19 Accordingly, the Parties agree and respectfully request an order as follows:

20 1. Oppositions to Wells Fargo's and RLP-Vervian's Motions for Summary Judgment
21 shall be filed and served via the Court's ECF system no later than January 5, 2018.

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1 2. Replies in further support of Wells Fargo's and RLP-Vervian's Motions for
2 Summary Judgment shall be filed and served via the Court's ECF system no later
3 than February 2, 2018.

4 Dated: November 29, 2017.

5 SNELL & WILMER L.L.P.

6 By: /s/ Kiah D. Beverly-Graham

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Dated: November 29, 2017.

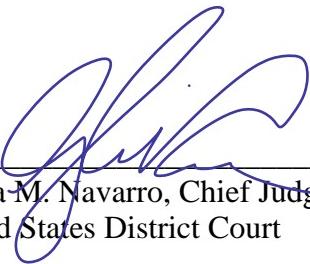
COOPER COONS, LTD.

By: /s/ Thomas A. Miskey

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IT IS SO ORDERED.

Dated this 7 day of December, 2017.


Gloria M. Navarro, Chief Judge
United States District Court

1 **CERTIFICATE OF SERVICE**
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I hereby certify that on this date, I electronically filed the foregoing with the Clerk of
Court for the U.S. District Court, District of Nevada by using the Court's CM/ECF system.
Participants in the case who are registered CM/ECF users will be served by the CM/ECF system.

DATED: November 29, 2017

/s/Kiah D. Beverly-Graham
Kiah D. Beverly-Graham

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